REMARKS

The Telephonic Interview

A telephonic interview was held on August 7, 2008 between the Examiner and the undersigned. During the interview it was pointed out that the Final Office Action of March 31, 2008 ("the March 2008 Office Action") and the subsequent Advisory Action of July 16, 2008 were improper due to the new grounds for rejection that were proffered in the March 2008 Office Action. Also discussed was the obviousness rejection over Moon et al., U.S. Patent No. 4,065,574 (hereafter, "Moon") in the March 2008 Office Action. In order to expedite prosecution, applicants also agreed to cancel method claims 52 and 53. Applicants wish to thank the Examiner for withdrawing the finality of the March Office Action, withdrawing the Advisory Action, and withdrawing the obviousness rejection over Moon.

The Claim Amendments

Claim 50 has been amended to recite the use of compositions of the invention for inhibiting c-Met activity in a biological sample. Support for this amendment is found in the claim as originally filed.

Claims 52-53 have been canceled.

None of the amendments add new matter. Their entry is requested.

The Response

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 50 under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. In particular, the Examiner asserts that the claim is ambiguous because the claim recites both compositions of claim 47 and compounds of formula **I**. Applicants believe that the claim differentiates compositions of the inventions (i.e., those formulations that comprise a compound of formula **I** and a pharmaceutically acceptable

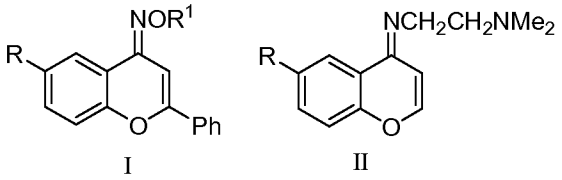
carrier, adjuvant, or vehicle) and compounds of formula **I** (i.e., those compounds of formula I not necessarily formulated for pharmaceutical use) and properly recites the use of either of said compositions or compounds for inhibiting c-Met activity in a biological sample. However, solely in order to expedite prosecution, claim 50 has been amended to recite only the compositions of the invention. Therefore, applicants respectfully request that the rejection of claim 50 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection under 35 U.S.C. § 102(b)

The Examiner has rejected claims 47, 81, 83, 87, 92, and 96 under 35 U.S.C. § 102(b) for allegedly being anticipated by Meshcheryakova et al., *Khimiko-Farmatsevticheskii Zhurnal* 10(3), 37-41, 1976 (hereafter, "Meshcheryakova 1"); Meshcheryakova et al., *Khimiko-Farmatsevticheskii Zhurnal* 12(4), 50-54, 1978 (hereafter, "Meshcheryakova 2"); and Basinski et al., Polish Journal of Chemistry 65(9-10, 1619-1632, 1991 (hereafter, "Basinski"). In particular, the Examiner asserts that Meshcheryakova 1 and Meshcheryakova 2 teach the compositions of the invention because these references describe oximes that fall within the scope of formula I and also describe oxime ethers derived from said oximes, wherein said oxime ethers are useful as sedatives. The Examiner also asserts that Basinski teaches the pharmaceutical compositions of the invention because certain compounds of Basinski fall within the scope of formula **I**. Applicants traverse.

The following text and figures are from the abstracts of Meshcheryakova 1and Meshcheryakova 2 that were provided by the Examiner. From Meshcheryakova 1:

> Flavone *O*-alkyloximes [I, R = H, Cl, F, R^1 = Me, $PhCH_2$, p-$(NO_2)C_6H_4$, $Me_2NCH_2CH_2$, $Et_2NCH_2CH_2$, $Me_2N(CH_2)_3$, 4-methyl-1-piperazinylpropyl] useful as sedatives and in treatment of ataxia were prepared in 40-85% yields by alkylation of the corresponding oximes with R^1Cl. II (R = H, Cl) were obtained by treatment of a 4-thioflavone with $H_2NCH_2CH_2NMe_2$.

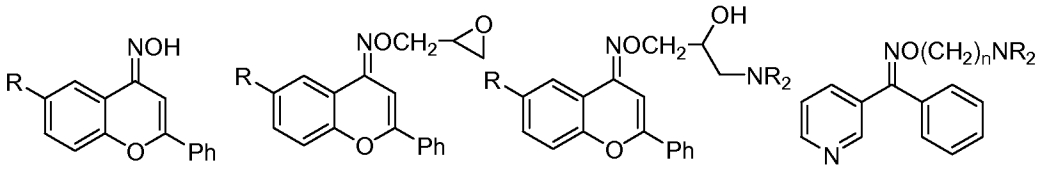


I II

Formulae I & II from Meshcheryakova 1

From Meshcheryakova 2:

> Reaction of oximes I (R = Cl, H) with epichlorohydrin gave approximately 89% II, which when treated with amine gave 30-84% III (NR_2 = $NHCHMe_2$, piperidino, morpholino, 4-methyl-1-piperazinyl). Treatment of the *syn*- and *anti*- isomers of 3-benzoylpyridine oxime with $Cl(CH_2)_nNR_2$ (n = 2, R = Me, Et; n = 3, R = Me) gave 30-90% IV. All *syn*- and *anti*-IV depressed the central nervous system. All IV induced ataxia. IV had analgesic effects at doses close to the LD_{50}. *Anti*-IV (R = Me, n = 3) had high adrenolytic activity.



I II III IV

Formulae I-IV from Meshcheryakova 2

As shown above, Meshcheryakova 1 teaches pharmaceutically useful flavone oxime ethers and Meshcheryakova 2 teaches pharmaceutically useful oxime ethers of 3-benzoylpyridine oxime. All oxime ethers so described fall outside of the scope of generic formula **I** of the present invention. Neither of these abstracts teaches any pharmaceutical utility for the oxime precursors used to prepare the oxime ethers (e.g., those oximes encompassed by formula **I** of the present invention), nor do they describe or propose pharmaceutical compositions comprising said oximes. Instead, Meshcheryakova 1 and Meshcheryakova 2 describe oximes as useful intermediates for the preparation of pharmaceutically useful oxime ethers. The abstract of Basinski also fails to describe oximes falling within the scope of formula **I** that possess pharmaceutical activity or that are used as part of a pharmaceutical composition.

Prior art describing compounds that fall within the scope of generic formula **I** of the instant claims without teaching their use as part of a pharmaceutical composition is not sufficient to anticipate the present invention. Furthermore, the Examiner does not present extrinsic evidence which makes it clear that any of the oximes of Meshcheryakova 1, Meshcheryakova 2, or Basinski which fall within the scope of formula **I** of the instant claims would be necessarily present in a pharmaceutical composition described in any of the cited references or would be so recognized by persons of ordinary skill in the art. "Inherent anticipation may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). See the Manual of Patent Examining Procedure (MPEP) § 2112 IV.

Therefore, applicants respectfully request that the rejection of claims 47, 81, 83, 87, 92, and 96 under 35 U.S.C. § 102(b) be withdrawn.

Conclusion

Applicants request that the Examiner consider the remarks herein and allow the claims to pass to issue. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, applicants request that the undersigned be contacted at the Examiner's convenience.

Respectfully submitted,

/Daniel A. Pearson/

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